

1 is safe for seafood. 44 Fed. Reg. 3990, 3992 (January 19, 1979). Since then, FDA has  
2 maintained a rigorous monitoring and evaluation program but has found no need to adjust the  
3 methylmercury action levels in seafood. *See id.*

4 **B. Tuna Is a Healthy Product that the Federal Government Encourages**  
5 **Americans to Eat**

6 3. The Court heard the testimony of Dr. Louis Sullivan, the former Secretary of  
7 Health and Human Services (“HHS”) from 1989 to 1993, regarding FDA’s food labeling  
8 policy. Sullivan, 14 Tr. 1689:12-16; TX 836, p. 2. Dr. Sullivan has practiced medicine since  
9 1958, held numerous teaching and academic positions, and is the founding dean of the  
10 Morehouse College School of Medicine. Sullivan, 14 Tr. 1693:28-1694:13; TX 836, pp. 1-2.

11 4. According to Dr. Sullivan, it is generally accepted in the medical community  
12 that fish consumption benefits health and that Americans would be better off eating more  
13 fish. Sullivan, 14 Tr. 1720:19-21; 14 Tr. 1721:4-7. For example, fish, including tuna, is a  
14 low-calorie source of protein and omega-3 fatty acids. Sullivan, 14 Tr. 1720:22-1721:3;  
15 Beard, 17 Tr. 2073:19-22; 17 Tr. 2073:25-2074:1; 17 Tr. 2074:11-24. Omega-3 fatty acids  
16 are important in enhancing the growth and development of infants prior to birth, and aid in  
17 the development the brain, nerves and eyes. Beard, 17 Tr. 2072:13-19; TX 501.

18 5. The Court also heard testimony about the health benefits of tuna from  
19 Dr. Lillian Beard, an expert witness proffered by the Tuna Cannery who is a practicing  
20 physician with over thirty years of experience. TX 500, p. 1. Dr. Beard’s practice specialty  
21 is pediatrics and adolescent medicine. Beard, 17 Tr. 2059:5-8. Dr. Beard is a Board-  
22 certified pediatric specialist and Diplomate for the National Board of Medical Examiners.  
23 Beard, 17 Tr. 2060:4-21; TX 500, p. 1. She is a spokesperson for the American Academy of  
24 Pediatrics and is an advocate for children. Beard, 17 Tr. 2067:26-2068:20; 17 Tr. 2070:18-  
25 21; TX 500, p. 5. Dr. Beard has been honored for her work improving the health of infants.  
26 Beard, 17 Tr. 2061:2-11; TX 500, p. 2.

27 6. Dr. Sullivan explained that pregnant women who consume less fish have a  
28 higher incidence of low birth weight preterm babies and babies born with complications.